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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(San Joaquin)

THE PEOPLE,

Plaintiff and Respondent,

v.

RAMIRO GUZMAN CASTREJON,

Defendant and Appellant.

C067693

(Super. Ct. Nos. MF031299A,
MF033151D)

In case No. MF033151D, a jury convicted defendant Ramiro Guzman Castrejon of first degree burglary. In bifurcated proceedings, the court found a strike prior and a prior felony conviction allegation to be true.

Sentenced to state prison, defendant appeals, contending insufficient evidence supports his conviction because the accomplice testimony was not corroborated.¹ Based

¹ In case No. MF031299A, defendant entered a plea of guilty to first degree burglary with a person present and was granted probation. After defendant violated probation, the trial court sentenced him to state prison. Since defendant raises no issues related to this case on appeal, we need not discuss it further.

on the record, we conclude that the accomplice testimony was corroborated.

Accordingly, we affirm the judgments.

FACTS

Accomplices

Charged with the same burglary as defendant, Zolica Rankin, Alyssa Rankin, and Celina Navarro all entered negotiated pleas to the reduced charge of misdemeanor receiving stolen property on the condition that they testify truthfully at defendant's trial. They also were granted probation with no jail time.

Accomplice Testimony

The three accomplices testified to substantially the same facts as follows: On the morning of April 21, 2010, defendant arrived at the Rankin home in Lathrop seeking a ride to his unnamed friend's house in Manteca because he needed to obtain some items. Zolica Rankin drove defendant to Manteca. They were accompanied by Alyssa Rankin, who was defendant's friend, and Celina Navarro, who was Alyssa's friend. Following defendant's directions, they arrived at a residence in Manteca and everyone stayed in the car except for defendant who approached the front door. About 15 minutes later, defendant returned with a bag of things and put them in the car. Defendant returned to the house claiming he had forgotten something. About 11:00 a.m., a man in a white pickup truck pulled into the driveway. The man got out and went inside the house. Defendant ran off and jumped a fence. Zolica drove away from the house and tried to find defendant. They saw him running and Zolica pulled into an apartment complex to pick him up. Defendant ran off again when the man in the white pickup truck blocked Zolica's car, got out, and claimed they had burglarized his house, threatening to call the police. Zolica or Alyssa returned the man's bag of property. Shortly thereafter, the police arrived. All three accomplices were arrested and charged with burglary. Zolica and Alyssa cooperated with the police and gave statements. Celina lied to an officer

when she was arrested, claiming she had never been arrested and was not on probation. In fact, Celina had a prior misdemeanor conviction.

Victim's testimony

Vern Millard arrived at his home in his white pickup a few minutes after 11:00 a.m. planning to check on his sick dog. He noticed an old Acura with mismatched parts parked in front of his house. He did not notice anyone inside of it. After parking his truck in the driveway, he opened the locked front door of the house and walked inside. His dog ran by him and out the front door. The door in the kitchen leading to the garage was open. The door in the garage leading to the outside was open as well. Millard found one of his kitchen knives in the garage. Millard checked the master bedroom and discovered that it had been ransacked. Items were missing including a Playstation and some games. Thirty seconds later, Millard went out front and saw the Acura down a block or two, driving away. Millard got into his truck and followed. He found the Acura pulling into an apartment complex to pick up a young Hispanic man who had been running down the street. When Millard blocked the Acura with his truck, the Hispanic man fled. Then three young Hispanic women got out of the Acura and started to flee as well. Millard yelled that he had been burglarized and the women stopped. The driver got in and started the car but was blocked in and could not leave. The driver then returned his property in the bag that included his Playstation. Millard called the police. Millard was unable to identify the man but described him as a young, light-skinned, Hispanic male, with medium length dark hair and of medium height. When Millard returned to his house, he discovered that a digital camera had been stolen as well.

Arrest Warrant

About 6:00 p.m. on the day of the burglary, based on what they had learned that day at the scene from the three young women and from the police database that there was an outstanding arrest warrant for defendant, officers went to defendant's house in Lathrop, knocked on the door, and announced their presence. Defendant jumped out the

back window of his house and fled. Officers pursued defendant and, less than 10 minutes later, found him hiding under a junk pile in a back yard. When he was arrested, he mumbled that he was in a lot of trouble. He appeared to be under the influence of drugs or alcohol.

Jailhouse Conversations

The prosecutor presented evidence of jailhouse conversations between defendant and his mother. During one visit, defendant complained that “they’re snitching on me.” When his mother responded that it did not matter because he did not do anything, defendant admitted, “Yeah, I did. I, I, I was there. I was there and then they dropped me off, and then um, and then they got caught for something. I don’t know what they got caught for. I don’t know. And I was, like (inaudible), they got caught, and then I was like, oh, yeah. They got caught for something. But they’re go [sic] to Court every time I go to Court. They’re out on bail.”

During another visit, defendant discussed details of the burglary, including that the owner came back at 11:00 a.m., that there was a dog door on the house, defendant “[h]opped the back fence when the, when the guy showed up” at 11:00 a.m., the girls drove off, and the owner blocked them in at an apartment complex.

During another visit, defendant was concerned that he had left his fingerprints.

DISCUSSION

Viewed in the light most favorable to the judgment (*People v. Johnson* (1980) 26 Cal.3d 557, 578; *Jackson v. Virginia* (1979) 443 U.S. 307, 318-319 [61 L.Ed.2d 560, 573]), the record reflects that the accomplice testimony was corroborated. Therefore, defendant’s contention fails.

“The law requiring corroboration of accomplice testimony is well established. ‘A conviction cannot be had upon the testimony of an accomplice unless it be corroborated by such other evidence as shall tend to connect the defendant with the commission of the offense; and the corroboration is not sufficient if it merely shows the commission of the

offense or the circumstances thereof. . . .’ ([Pen. Code,] § 1111.) ‘ “The requisite corroboration may be established entirely by circumstantial evidence. [Citations.] Such evidence ‘may be slight and entitled to little consideration when standing alone. [Citations.]’ ” ’ [Citations.] ‘ “Corroborating evidence ‘must tend to implicate the defendant and therefore must relate to some act or fact which is an element of the crime but it is not necessary that the corroborative evidence be sufficient in itself to establish every element of the offense charged.’ [Citation.]” [Citations.] In this regard, ‘the prosecution must produce independent evidence which, without aid or assistance from the testimony of the accomplice, tends to connect the defendant with the crime charged. [Citation.]’ [Citation.] ‘ “Corroborating evidence is sufficient if it substantiates enough of the accomplice’s testimony to establish his [or her] credibility [citation omitted].” ’ [Citation.]” (*People v. Rodrigues* (1994) 8 Cal.4th 1060, 1128 (*Rodrigues*).)

The three accomplices told a nearly identical story. Within minutes after the burglary and being caught by the police, they identified defendant as the culprit who went inside the house and stole the items. The prosecutor argued the corroborating evidence included the fact that defendant matched Millard’s description of the man running up to the Acura and then running away when Millard blocked the Acura. The jury could observe defendant and make this determination for themselves. Although there was an outstanding warrant for his arrest, defendant fled from his home later the same day as the burglary when the officers arrived, knocked on the door, and announced their presence. His flight could be considered as consciousness of guilt. And when he was taken into custody that day he stated he was in a lot of trouble. Most damaging were defendant’s jailhouse admissions. He complained “they’re snitching” on him and admitted he knew facts the burglar would know, especially about the dog door and when the owner returned home. Defendant admitted jumping the fence and running down the street just as described by his accomplices. Finally, defendant was concerned that he had left his fingerprints.

“ ‘ “Corroborating evidence is sufficient if it substantiates enough of the accomplice’s testimony to establish his [or her] credibility [citation omitted].” ’ [Citation.]” (*Rodrigues, supra*, 8 Cal.4th at p. 1128.) Sufficient evidence corroborated testimony of the accomplices who identified defendant as the person who entered the victim’s home and stole items.

DISPOSITION

The judgments are affirmed.

HOCH, J.

We concur:

BLEASE, Acting P. J.

DUARTE, J.